

YOUTH SERVICES POLICY

Title: Interstate Compact for Juveniles (ICJ) Next Annual Review Date: 04/15/2016	Type: D. Community Based Services Sub Type: 10. Supervision Number: D.10.22
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References: La. Children's Code Arts. 1624 through 1645: ACA Standards 2-CO-4B-02 (Administration of Correctional Agencies), 2-7172 and 2-7173 (Juvenile Probation and Aftercare Services); YS Policy Nos. C.1.7 "Crime Victims Registration and Notification" and D.10.33 "State Council for the Interstate Compact on Juveniles"	
STATUS: Approved	
Approved By: <i>Mary L. Livers, Deputy Secretary</i>	Date of Approval: 04/15/2014

I. AUTHORITY:

Deputy Secretary of Youth Services (YS) as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

II. PURPOSE:

To establish the Deputy Secretary's policy for implementing the provisions of the Interstate Compact for Juveniles (ICJ).

III. APPLICABILITY:

Deputy Secretary, Assistant Secretary, Undersecretary, Chief of Operations, Regional Directors, Regional Managers, Commissioner/Compact Administrator, Deputy Compact Administrator, and all employees of Community-Based Services (CBS).

IV. DEFINITIONS:

Absconder - A juvenile probationer or parolee, who hides, conceals, or absents him/herself with the intent to avoid legal process or authorized control.

Agency - Youth Services, Office of Juvenile Justice.

Commission - A body corporate and joint agency made up of compacting states that has the responsibility, power and duties set forth in the ICJ.

Commissioner - The voting representative of each compacting state appointed pursuant to Article III of the ICJ.

Community Based Services (CBS) - Formerly known as the Division of Youth Services. CBS includes all OJJ regional offices located throughout the state.

Compact Administrator – The individual in each compacting state appointed, pursuant to the terms of the ICJ, responsible for the administration and management of the state's supervision and transfer of juveniles subject to the terms of the ICJ, the rules adopted by the Interstate Commission and policies adopted by the State Council under the ICJ.

Deputy Compact Administrator - The individual appointed by the Commissioner/Compact Administrator to act on behalf of the state's Commissioner/Compact Administrator, pursuant to the terms of the ICJ, responsible for the administration and management of the state's supervision and transfer of juveniles subject to the terms of the ICJ, the rules adopted by the Interstate Commission, and policies adopted by the State Council under the ICJ.

Escapee - A juvenile who has made an unauthorized flight from a secure care facility or agency's custody to which the juvenile was committed by the court.

Juvenile – A term used for a youth by the ICJ. The term “juvenile(s)” is used in this policy for that purpose and for consistency throughout the policy.

Juvenile Interstate Data System (JIDS) - A web-based system that facilitates the supervising, transferring, accepting, tracking, and returning of juveniles from one state to another.

Juvenile Electronic Tracking System (JETS) - The centralized database utilized to track all juveniles in OJJ custody or under OJJ supervision, and to track all case record activity.

PPO/J - Includes CBS probation officers (Probation and Parole Officer 1, 2 and 3/Juvenile).

Regional Director – The Deputy Assistant Secretary responsible for the oversight of all functions and operations of the Community Based Services Regional Offices and the secure care facility in their assigned Region.

Regional Managers - Managers of the CBS offices located throughout the state.

Runaway - A child under the juvenile jurisdictional age limit established by the state, who has run away from the juvenile's place of residence without the consent of parent, guardian or agency entitled to legal custody of the juvenile.

Juvenile Charged as Delinquent – A juvenile charged with violating any criminal law and leaves the state prior to being prosecuted.

V. POLICY:

Upon the recommendation of the Deputy Secretary, the Governor appoints the Compact Administrator/Commissioner who is empowered to promulgate rules and regulations to carry out more effectively the terms of the ICJ.

The return of runaways to and from Louisiana, and the transfer of supervision, shall be in accordance with the terms of the ICJ and the procedures contained in this policy.

All matters relating to the ICJ shall be processed through the Deputy Compact Administrator's office. Contacts with authorities in other states shall only be made with the approval of the Compact Administrator or the Deputy Compact Administrator. If out-of-state agencies contact CBS staff directly, they shall be referred to the ICJ in their state.

ICJ forms are located in the "Juvenile Electronic Tracking System" (JETS), the "Juvenile Interstate Data System" (JIDS), and on the "Interstate Commission for Juveniles" (ICJ) website at: <http://www.jids.juvenilecompact.org>.

VI. PROCEDURES:

A. Sending and Receiving Referrals

1. State Committed (Parole) Cases – The ICJ Office in the sending state shall ensure the following referral documents are complete and forwarded to the receiving state forty-five (45) calendar days prior to the juvenile's anticipated arrival:
 - a. Form IV;
 - b. Form IA/VI; and
 - c. Order of Commitment.

The ICJ Office in the sending state should also provide copies, (if available) of the Petition and/or Arrest Report(s), Legal and Social History, and any other pertinent information deemed to be of benefit to the receiving state. Parole conditions, if not already included, shall be forwarded to the receiving state upon the juvenile's release from an institution. Form V shall be forwarded prior to placement in the receiving state.

When it is necessary to place a State Committed (parole) juvenile out of state prior to the acceptance of supervision, under the provision of Rule 4-104(4), the sending state shall determine if the circumstances of the juvenile's immediate placement justify the use of a travel permit, including consideration of the appropriateness of the placement.

If approved by the sending state, it shall provide the receiving state with the approved travel permit along with a written explanation as to why ICJ procedures for submitting the referral could not be followed. The sending state ICJ Office shall provide the complete ICJ referral to the receiving state ICJ office within ten (10) business days of the travel permit being issued. The receiving state shall make the decision whether or not it will expedite the ICJ referral.

2. Probation Cases – The ICJ Office in the sending state shall ensure the following referral documents are complete and forwarded to the receiving state within five (5) business days of receipt:
 - a. Form IV;
 - b. Form IA/VI;
 - c. Order of Adjudication and Disposition; and
 - d. Conditions of Probation and Petition and/or Arrest Report(s).

The ICJ Office in the sending state should also provide copies (if available) of Legal and Social History, and any other pertinent information deemed to be of benefit to the receiving state. Form V shall be forwarded prior to placement if the juvenile is not already residing in the receiving state.

The sending state shall be responsive and timely in forwarding additional documentation at the request of the receiving state. The receiving state will not delay the investigation pending receipt of the additional documentation.

The receiving state's ICJ Office shall request its local offices complete a home evaluation within thirty (30) calendar days after receipt of referral.

The receiving state's ICJ Office shall, within forty five (45) calendar days of receipt of the referral, forward to the sending state the home evaluation along with the final approval or disapproval of the request for supervision or provide an explanation of the delay to the sending state.

B. Voluntary Return of Out-of-State Juveniles

1. The holding state's ICJ Office shall be advised of youth detainment. The holding state's ICJ Office shall contact the home/demanding state's ICJ Office advising them of case specifics.

2. The home/demanding state's ICJ Office shall immediately initiate measures to determine youth's residency and jurisdictional facts in that state.
3. At a court hearing (physical or electronic), the judge in the holding state shall inform the juvenile of his/her due process rights under the compact and may use the "ICJ Juvenile Rights Form". The court may elect to appoint counsel or a guardian ad litem to represent the juvenile in this process.
4. If in agreement with the voluntary return, the juvenile shall sign the approved ICJ Form III in the presence (physical or electronic) of a judge. The ICJ Form III shall also be signed by a judge.
5. When an out-of-state juvenile has reached the age of majority according to the holding state's laws and is brought before an adult court for an ICJ due process hearing, the home/demanding state shall accept an adult waiver instead of the ICJ Form III, provided the waiver is signed by the juvenile and the judge.
6. When consent has been duly executed, it shall be forwarded to and filed with the Compact Administrator/designee of the holding state. The holding state's ICJ Office shall in turn forward a copy of the consent to the Compact Administrator/designee of the home state.
7. The home/demanding state shall be responsive to the holding state's court orders in effecting the return of its juveniles. Each ICJ Office shall have policies/procedures in place involving the return of juveniles that shall ensure the safety of the public and juveniles.
8. Juveniles are to be returned to the home/demanding state in a safe manner and within five (5) business days of receiving a completed ICJ Form III. This time period may be extended up to an additional five (5) business days with approval from both ICJ Offices.

C. Non-Delinquent Runaways and/or Accused Status Offenders

A requisition applies to all juveniles in custody who refuse to voluntarily return to their home/demanding state; or juveniles whose whereabouts are known, but are not in custody.

1. The home/demanding state's office shall maintain regular contact with the authorities preparing the requisition to ensure accurate preparation and timely delivery of said documents to minimize detention time.

2. When the juvenile is a non-delinquent runaway and/or an accused status offender, the parent/legal guardian or custodial agency must petition the court of jurisdiction in the home/demanding state for a requisition. When the juvenile is already in custody, this shall be done within sixty (60) calendar days of notification of the youth's refusal to voluntarily return.
 - a. The petitioner may use Form A, "Petition for Requisition to Return a Runaway Juvenile", or other petition. The petition must state the juvenile's name and date of birth, the name of the petitioner, and the basis of entitlement to the juvenile's custody, the circumstances of his/her running away, his/her location at the time application is made, and such other facts as may tend to show that the juvenile who has run away is endangering his/her own welfare or the welfare of others and is not an emancipated minor.
 - 1) The petition shall be verified by affidavit.
 - 2) The petition is to be accompanied by a certified copy of the document(s) on which the petitioner's entitlement to the juvenile's custody is based, such as birth certificates, letters of guardianship, or custody decrees.
 - 3) Other affidavits and other documents may be submitted with such petition.
 - b. The home/demanding state's appropriate authority shall initiate the requisition process upon notification by the holding state's ICJ Office that a non-delinquent juvenile in custody refuses to voluntarily return and the parent or legal guardian in the home/demanding state is unable or refuses to initiate the requisition process. The judge in the home/demanding state shall determine if:
 - 1) The petitioner is entitled to legal custody of the juvenile;
 - 2) The juvenile ran away without consent;
 - 3) The juvenile is an emancipated minor; and
 - 4) It is in the best interest of the juvenile to compel his/her return to the state.
 - c. When it is determined that the juvenile should be returned, the judge in the home/demanding state shall sign the Form I, "Requisition for Runaway Juvenile".

- d. The Form I, accompanied by the petition and supporting documentation, shall be forwarded to the home/demanding state's ICJ Office.
3. Upon receipt of the Requisition Form I, the home/demanding state's ICJ Office shall ensure the requisition packet is in order. The ICJ Office will submit the requisition packet through the electronic data system to the ICJ Office in the state where the juvenile is located. The state where the juvenile is located may request and shall be entitled to receive originals or duly certified copies of any legal documents.
4. The ICJ Office in the state where the juvenile is located will forward the Requisition Form I to the appropriate court and request that a hearing be held within thirty (30) calendar days of the receipt of the requisition. If not already detained, the court shall order the juvenile be held pending a hearing on the requisition. This time period may be extended with the approval of both ICJ Offices.
5. The court in the holding state shall inform the juvenile of the demand made for his/her return and may elect to appoint counsel or a guardian ad litem. The purpose of said hearing is to determine if the Requisition Form I is in order.
 - a. If the requisition is found to be in order by the court, the judge shall order the juvenile's return to the home/demanding state.
 - b. If the requisition is denied, the judge shall issue written findings detailing the reason(s) for denial.
6. In all cases, the order concerning the requisition shall be forwarded immediately from the holding court to the holding state's ICJ Office which shall forward the same to the home/demanding state's ICJ Office.
7. Juveniles held in detention, pending non-voluntary return to the demanding state, may be held for a maximum of ninety (90) calendar days.
8. Juveniles shall be returned by the home/demanding state within five (5) business days of the receipt of the order granting the requisition. This time period may be extended with approval from both ICJ Offices.

9. The duly accredited officers of any compacting state, upon the establishment of their authority and the identity of the juvenile being returned, shall be permitted to transport such juvenile through any and all states party to this compact, without interference.

D. Non-Voluntary Return of an Escape, Absconder or Accused Delinquent

A requisition applies to all juveniles in custody who refuse to voluntarily return to their home/demanding state or juveniles whose whereabouts are known, but are not in custody.

1. The home/demanding state's office shall maintain regular contact with the authorities preparing the requisition to ensure accurate preparation and timely delivery of said documents to minimize detention time.
2. When the juvenile is a non-delinquent runaway and/or an accused status offender, the parent/legal guardian or custodial agency must petition the court of jurisdiction in the home/demanding state for a requisition. When the juvenile is already in custody, this shall be done within sixty (60) calendar days of notification of the youth's refusal to voluntarily return.
 - a. The petitioner may use Form A, "Petition for Requisition to Return a Runaway Juvenile", or other petition. The petition must state the juvenile's name and date of birth, the name of the petitioner, and the basis of entitlement to the juvenile's custody, the circumstances of his/her running away, his/her location at the time application is made, and such other facts as may tend to show that the juvenile who has run away is endangering his/her own welfare or the welfare of others and is not an emancipated minor.
 - 1) The petition shall be verified by affidavit.
 - 2) The petition is to be accompanied by a certified copy of the document(s) on which the petitioner's entitlement to the juvenile's custody is based, such as birth certificates, letters of guardianship, or custody decrees.
 - 3) Other affidavits and other documents may be submitted with such petition.

- b. The home/demanding state's appropriate authority shall initiate the requisition process upon notification by the holding state's ICJ Office that a non-delinquent juvenile in custody refuses to voluntarily return and the parent or legal guardian in the home/demanding state is unable or refuses to initiate the requisition process. The judge in the home/demanding state shall determine if:
 - 1) The petitioner is entitled to legal custody of the juvenile;
 - 2) The juvenile ran away without consent;
 - 3) The juvenile is an emancipated minor; and
 - 4) It is in the best interest of the juvenile to compel his/her return to the state.
 - c. When it is determined that the juvenile should be returned, the judge in the home/demanding state shall sign the Form I, "Requisition for Runaway Juvenile".
 - d. The Form I accompanied by the petition and supporting documentation shall be forwarded to the home/demanding state's ICJ Office.
- 3. Upon receipt of the Requisition Form I, the home/demanding state's ICJ Office shall ensure the requisition packet is in order. The ICJ Office will submit the requisition packet through the electronic data system to the ICJ Office in the state where the juvenile is located. The state where the juvenile is located may request and shall be entitled to receive originals or duly certified copies of any legal documents.
- 4. The ICJ Office in the state where the juvenile is located will forward the Requisition Form I to the appropriate court and request that a hearing be held within thirty (30) calendar days of the receipt of the requisition. If not already detained, the court shall order the juvenile be held pending a hearing on the requisition. This time period may be extended with the approval of both ICJ Offices.
- 5. The court in the holding state shall inform the juvenile of the demand made for his/her return and may elect to appoint counsel or a guardian ad litem. The purpose of said hearing is to determine if the Requisition Form I is in order.
 - a. If the requisition is found to be in order by the court, the judge shall order the juvenile's return to the home/demanding state.

- b. If the requisition is denied, the judge shall issue written findings detailing the reason(s) for denial.
- 6. In all cases, the order concerning the requisition shall be forwarded immediately from the holding court to the holding state's ICJ Office which shall forward the same to the home/demanding state's ICJ Office.
- 7. Juveniles held in detention, pending non-voluntary return to the demanding state, may be held for a maximum of ninety (90) calendar days.
- 8. Juveniles shall be returned by the home/demanding state within five (5) business days of the receipt of the order granting the requisition. This time period may be extended with approval from both ICJ Offices.
- 9. The duly accredited officers of any compacting state, upon the establishment of their authority and the identity of the juvenile being returned, shall be permitted to transport such juvenile through any and all states party to this compact, without interference.

E. Return of Juveniles/ICJ Placement Failed

- 1. If it is determined necessary to return a juvenile whose placement has failed to the sending/demanding state and the ICJ Form IA/VI "Application for Services and Waiver" (combined forms located in JIDS) has the appropriate signatures, no further court procedures will be required for the juvenile's return.

Form IA of the ICJ Form IA/VI is the "Application for Compact Services" and Form VI is the "Memorandum of Understanding and Waiver".
- 2. Upon notifying the sending/demanding state's ICJ Office, a duly accredited officer of a sending/demanding state may enter a receiving state and apprehend and retake any such juvenile on probation or parole. If this is not practical, a warrant may be issued and the supervising state shall honor that warrant in full.
- 3. Upon notice of a juvenile's failed placement for purposes of the juvenile's return, the sending/demanding state shall return the juvenile in a safe manner, pursuant to ICJ Rules 6-106 and 6-111, and within five (5) working days. This time period may be extended with the approval of both ICJ offices.

4. The decision of the sending/demanding state to retake a delinquent juvenile on probation or parole shall be conclusive and not reviewable within the receiving state. However, in cases where the juvenile is suspected of having committed a criminal offense or an act of juvenile delinquency in the receiving state, the juvenile shall not be returned to the sending/demanding state without the consent of the receiving state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision.
5. The officer of the sending/demanding state shall be permitted to transport delinquent juveniles being returned through any and all states party to the ICJ, without interference.

F. Warrants

1. All warrants under ICJ jurisdiction shall be entered into the "National Crime Information Center" (NCIC) by the appropriate local law enforcement agency or other authorized agency in the issuing state.

Holding states shall honor all lawful warrants as entered by other states, and within the next business day notify the ICJ Office in the home/demanding state that the juvenile has been placed in custody pursuant to the warrant.

Within two (2) business days of notification, the home state shall inform the holding state as to whether the home/demanding state intends to have the juvenile returned.

2. When the home/demanding state enters a warrant into NCIC as a "no bond/bail warrant" but the holding state's statutes allow for bond/bail on juvenile warrants, the holding state shall not release the juvenile in custodial detention on bond/bail. However, a juvenile subject to detention shall be afforded an opportunity for a hearing.

G. Transportation/Airport Supervision

1. Holding states are responsible for transporting juveniles to local airports or other means of public transportation as arranged by the home state and maintaining security of juveniles until departure.
2. Home/demanding states shall make every effort to accommodate the airport preferences of the holding state. Additionally, travel plans shall be made with consideration of normal business hours, and any exceptions shall be approved by the holding state.

3. Holding states shall not return to juveniles any personal belongings which could jeopardize the health, safety or security of the juvenile or others. Examples are as follows:
 - a. Weapon;
 - b. Cigarettes;
 - c. Medication;
 - d. Lighters;
 - e. Change of clothes; or
 - f. Cell Phone.
4. Holding states shall confiscate all questionable personal belongings and return those belongings to the legal guardians by approved COD carrier or at the expense of the home/demanding state (e.g., United States Postal Service, United Parcel Service, or Federal Express).
5. In cases where a juvenile is being transported by a commercial airline carrier, the holding state shall ensure the juvenile has a picture identification card, if available, and/or a copy of the applicable ICJ paperwork, or appropriate due process documentation in the juvenile's possession before entering the airport.
6. All states shall provide supervision and assistance to unescorted juveniles at intermediate airports in route to the home state.
7. Juveniles shall be supervised from arrival until departure.
8. Home/demanding states shall give the states providing airport supervision a minimum of forty-eight (48) hours advance notice.
9. In the event of an emergency situation, including but not limited to weather, delayed flight or missed flight that interrupts or changes established travel plans during a return transport, ICJ member states shall provide necessary services and assistance, including temporary detention or appropriate shelter arrangements for the juvenile until the transport is rearranged and/or completed.

H. Travel Permits

1. Travel permits shall be mandatory for juveniles traveling out-of-state for a period in excess of twenty-four (24) consecutive hours and who have committed or which the adjudicated offenses or case circumstances include any of the following:

- a. Sex-related offenses;
 - b. Violent offenses that have resulted in personal injury or death;
 - c. Offenses committed with a weapon;
 - d. Juveniles who are state committed;
 - e) Juveniles testing placement and who are subject to the terms of the Compact;
 - f) Juveniles returning to the state from which they were transferred for the purposes of visitation;
 - g) Juveniles transferring to a subsequent state(s) with the approval of the initial sending state;
 - h) Transferred juveniles in which the victim notification laws, policies and practices of the sending and/or receiving state require such notification;
2. Juveniles placed in residential facilities shall be excluded from this rule; however, states may elect to use the Travel Permit Form for notification purposes.
3. The permit shall not exceed ninety (90) calendar days. If for the purposes of testing a placement, a referral packet is to be received by the receiving state's ICJ Office within thirty (30) calendar days of the effective date of the Travel Permit. The issuing state shall ensure the juvenile has been instructed to immediately report any change in status during that period.
 - a) When a Travel Permit exceeds thirty (30) calendar days, the sending state shall provide specific instructions for the juvenile to maintain contact with his/her supervising agency.
4. Authorization for out-of-state travel shall be approved at the discretion of the supervising person. An exception would be when the sending state has notified the receiving state that travel must be approved by the sending state's appropriate authority. The sending state's ICJ Office shall forward the Travel Permit via electronic communication, as appropriate, to the state in which the visit or transfer of supervision will occur. The authorized Travel Permit should be provided and received prior to the juvenile's movement. The receiving state upon receipt of the Travel Permit shall process and/or disseminate appropriate information in accordance with established law, policy, practice or procedure in the receiving state.

5. If a travel permit is issued, the sending state is responsible for victim notification in accordance with the laws, policies and practices of that state. The sending and receiving states shall collaborate to the extent possible to comply with the legal requirements of victim notification through the timely exchange of required information.

I. Release of Runaways to Parent or Legal Guardian

1. All remedies and procedures provided by the ICJ shall be in addition to and not in substitution for other rights, remedies and procedures, and shall not be in derogation of parental rights and responsibilities. To this end, the following rules shall apply:
 - a. Juvenile authorities may release a runaway to their parent/legal guardian within the first 24 hours (excluding weekends and holidays) of detainment without applying ICJ Rule 6-102, except in cases where abuse or neglect is suspected by holding authorities.
 - b. If the juvenile remains in custody beyond 24 hours, the holding state's ICJ Office shall be contacted.
2. Runaways who are endangering themselves or others held beyond 24 hours shall be held in secure care facilities until returned by the home/demanding state.
3. When a holding state has reason to suspect abuse or neglect by a parent/legal guardian or others in the home of a runaway juvenile, the holding state's ICJ Office shall notify the home/demanding state's ICJ Office of the suspected abuse or neglect.
4. The home/demanding state's ICJ Office shall work with the appropriate authority and/or court of jurisdiction in the home/demanding state to accomplish the safe return of the juvenile.
5. The following applies to voluntary return of runaways who allege abuse or neglect:
 - The ICJ Form III (located in JIDS) shall indicate who will be assuming responsibility for the juvenile if the juvenile will not be returning to a parent/legal guardian.

6. The following applies to non-voluntary return of runaways who allege abuse or neglect:
 - If the appropriate authorities in the home/demanding state determine that the juvenile will not be returning to a parent or legal guardian, the requisition process shall be initiated by the home/demanding state's appropriate authority and/or court of jurisdiction in accordance with ICJ Rule 6-103.

VII. State Council:

Each member state shall create a "State Council for Interstate Juvenile Supervision" pursuant to see YS Policy No. D.10.33. While each state may determine the membership of its own state's council, its membership must include at least one representative from the legislative, judicial, and executive branches of government, victims groups, the Compact Administrator, and/or the Deputy Compact Administrator/designee.

Each compacting state shall retain the right to determine the qualifications of the Compact Administrator and / or Deputy Compact Administrator. Each state council shall advise and may exercise oversight and advocacy concerning that state's participation in Interstate Commission's activities and other duties as may be determined by that state, including but not limited to the development of policy concerning operations and procedures of the ICJ within the state

Previous Regulation/Policy Number: D.10.22

Previous Effective Date: 04/25/2013

Attachments/References: